

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Michael S Green)
0051442)
2551 Fisher Rd)
Columbus, OH 43204)
(Enter your full name, prison number
and address)

Case: 1:24-cv-01169
Assigned To : Unassigned
Assign. Date : 3/12/2024
Description: Pro Se Gen. Civ. (F-DECK)

v.

Judge Eileen Paley, 373 South High Street Floor Columbus, OH 43215
Gary Salter, 373 South High Street Floor Columbus, OH 43215
Judge Bill A. Spellicca, 345 South High Street 5th Floor Columbus, OH 43215
Trenton Grohe, 345 South High Street 5th Floor Columbus, OH 43215
(Enter the full name and address(es),
if know, of the defendant(s) in this
action)
Sean E. Thivener, 345 South High Street 5th Floor Columbus, OH 43215

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

Instructions for filing a Complaint by a Prisoner
Under the Civil Rights Act, 42 U.S.C. § 1983

This packet contains one copy of a complaint form and one copy of an application to proceed *in forma pauperis*. To start an action, you must file an original and one copy of this complaint form.

Your complaint must be clearly handwritten or typewritten and you must sign and declare under penalty of perjury that the facts are correct. If you need additional space to answer a question, you may use another blank page.

Your complaint can be brought in this Court only if one or more of the named defendants is located within the District of Columbia. Further, you must file a separate for each claim that you have unless they are related to the same incident or problem. The law requires that you state only facts in your complaint.

You must supply a certified copy of your prison trust account, pursuant to the provisions of 28 U.S.C. §1915, effective April 26, 1996. The filing fee is \$400.00. If insufficient funds exist in your prison account at the time of filing your complaint, the court must access, and when funds exist, collect an initial filing fee equal to 20 percent of the greater of:

- (1) the average monthly deposits to your prison account, or
- (2) the average monthly balance of your prison account for the prior six-month period.

RECEIVED

MAR 12 2024

Clerk, U.S. District & Bankruptcy
Court for the District of Columbia

Thereafter, you are required to make monthly payments of 20% of the preceding month's income. The agency having custody over you must forward payments from your account to the clerk of the court each time the amount in the account exceeds \$10.00 until the filing fees are paid.

Therefore, before an assessment can be made regarding your ability to pay, you must submit a certified copy of your prison account for the prior six-month period.

When this form is completed, mail it and the copy to the Clerk of the United States District Court for the District of Columbia, 333 Constitution Ave., N.W., Washington, D.C. 20001.

I. SUCCESSIVE CLAIMS

Pursuant to the Prison Litigation Reform Act of 1995, unless a prisoner claims to be in "imminent danger of serious physical injury," he or she may not file a civil action or pursue a civil appeal *in forma pauperis* "if the prisoner has, on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or they failed to state a claim upon which relief could be granted."

II. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? Yes () No (☒)
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? Yes () No (☒)
- C. If your answers to A or B is Yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit.

Plaintiffs: _____

Defendants: _____

2. Court (If federal court, please name the district; if state court name the county.) _____

3. Docket number: _____

4. Name of judge to whom case was assigned: _____

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

III. PLACE OF CONFINEMENT

A. Is there a prisoner grievance procedure in this institution? Yes (☒) No ()
If your answer is Yes, go to Question III B. If your answer is No, skip Questions III, B, C and D and go to Question III E.

B. Did you present the facts relating to your complaint in the prisoner grievance procedure?
Yes () No (☒)

C. If your answer is Yes to Question III B:

1. To whom and when did you complain? _____

2. Did you complain in writing? (Furnish copy of the complaint you made, if you have one.) Yes () No ()

3. What, if any, response did you receive? (Furnish copy of response, if in writing.) _____

4. What happened as a result of your complaint? _____

D. If your answer is No to Question III B, explain why not.

this matter pertains to the trial courts

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes () No (☒)

F. If your answer is Yes to Question III E;

1. To whom and when did you complain? _____

2. Did you complain in writing? (Furnish copy of the complaint you made, if you have one.) Yes () No ()
3. What, if any response did you receive? (Furnish copy of response, if in writing.)

4. What happened as a result of your complaint? _____

IV. PARTIES

In item A below, place your name and prison number in the first blank and your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of Plaintiff: Michael S Green
Address: Franklin County Corrections Center
2551 Fisher Rd Columbus OH 43204

In item B below, place the full name of the defendant(s) in the first blank, their official position in the second blank, their place of employment in the third blank, and their address in the fourth blank. Do the same for additional defendants, if any.

B. Defendant: Judge Eileen Paley
Municipal Court Judge
Address: 375 South High Street 14 Floor (Courtroom 14A)
Columbus, OH 43215

Defendant: Gary Salter
Court Appointed Attorney
Address: 375 South High Street 14 Floor (Courtroom 14A)
Columbus, OH 43215

Defendant: Judge Bill A. Sperlazzza
Common Pleas Court Judge
Address: 345 South High Street 5th Floor
Columbus, OH 43215

Defendant: Trenton Grohe
Common Pleas Prosecutor
Address: 345 South High Street 5th Floor
Columbus, OH 43215

Sean E. Thivener
Court Appointed Attorney (Common Pleas)
345 South High Street 5th Floor
Columbus, OH 43215

V. STATEMENT OF CLAIM

State here briefly as possible the facts of your case. Describe how each defendant is involved. Include the names of other persons involved, dates, and places. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra sheets, if necessary.

After having several disagreements with Mr. Salter, we appear before Judge Paley on 6-14-23. On numerous occasions, I explained to Mr. Salter about what I wished to happen with my case, yet Mr. Salter insists that he doesn't want to follow the choices I'm choosing for myself so he goes and acts on his own and does the opposite of everything he was supposed to do, resulting in an indictment enhancing a misdemeanor into a felony. He then tries to have the indictment rescinded after he realizes he has made a mistake that has caused his client more harm than help. I expose Mr. Salter's ineffectiveness to the court and Judge Paley mysteriously calls for a sidebar off the record sending me out of the courtroom. She returns
(continued on separate attached sheets or pages)

VI. RELIEF

State briefly exactly what you want the Court to do for you.

I am requesting the court to grant me my freedom from pretrial detention as well as compensate me for the time and punitive damages I have incurred during this stressful time. The civil violations that have occurred are a travesty and should never be imposed on any litigant. The trial court should be held to the same standard consistent to the Revised Code they swore to uphold. I once believed the justice system to be infallible and now due to the injustices I have incurred lately I find myself beginning to doubt its effectiveness. Please help me restore my faith in the same justice system I know to be fair and just as our forefathers intended. This is what I'm asking the court to do for me for the violations of my rights.

Signed this 9th day of March, 2024.

Michael S. Green
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

3-9-24

(Date)

Michael S. Green
(Signature of Plaintiff)

later reconvening court and tells me on the record that I have the right to appeal the decision of the indictment, though I later learned no attorney would be willing to help me appeal the indictment. I tried numerous times to obtain the transcript so I could appeal the indictment which I was informed was my right by Judge Paley on the record but was denied. Mr. Sean E. Thivener said due to his supervisor in the Public Defenders Office refused to help me obtain the transcript which, by the way, is the only way the courts speak and is public knowledge is through journal entry. Sean Thivener was appointed my counsel in which he was supposed to assist me with the appeal in which, as I aforementioned, he later informed he couldn't help me with and that Judge Paley had lied to me about me having the right to appeal the indictment. I now know that Mr. Thivener also failed to file multiple motions on my part like a motion to Suppress when the State violated the Rules of Practice of the Court of Common Pleas when discovery was not delivered properly. Since June 14, 2023 I have on numerous occasions tried to be present in open court only to have Mr. Thivener fraudulently waive my right to speedy trial. Not once have I ever signed my rights away or authorized Mr. Thivener to waive my rights. I have been incarcerated for my entire stint of pretrial detention therefore making me be what is called held in lieu of bail. The trial courts as well as its prosecutor, Mr. Trenton Grohe, have constantly and deliberately violated my sixth Amendment right to face my accuser on numerous occasions. They have also violated my ~~statute~~ statutory right to be present at the taking of depositions from the witnesses by Trenton Grohe which is my right in Article I Section 10.

of the Ohio Constitution. Judge Bill A Spetlarza, to my understanding, is supposed to be the safeguard of the rights of all litigants of the court yet he would not allow me to inform of the civil infringements upon which I have suffered. On Feb 28, 2024 he refused to allow me make him aware of violations of my civil and statutory rights to speedy trial. After, Sean Thivener took it upon himself off the record to violate attorney-client privilege and reveal to judge Spetlarza his own rendition of what was supposed to be for me to be on the record saying therefore creating a bias and not allowing me to be on the record as I should have been. The Franklin County Court of Common Pleas has not done this singularly but on numerous occasions to numerous defendants. I am as of the present been in violation of the speedy trial statute since Feb 7, 2024 when the complete violation of (284) two-hundred eighty four days took effect. By now I am well over those days and as of my next court appearance date of April 10, 2024 I will be twenty days short of One complete year which is definitely in violation of my 6th Amendment and the mandatory statutory time limit provided by the Revised Code. I have been essentially kidnapped, ~~was~~ robbed, and cheated by the same people who swore to uphold the same law they are breaking. I find that this travesty has cost me not only my freedom but also my livelihood and so much more. I begin to wonder if I truly should have any regrets from serving my country and when things like this happen I truly and unequivocally do regret serving. Is this system of Justice what me and future veterans have to look forward to after ~~am~~ proudly serving what is easily the greatest country on Earth? I am requesting that this hear my humble request for the fact that I

the system which is as flawed as the people who incorrect use the system for monetary gain and furthering their career all at the expense of the public's trust, freedom, and the expense of justice. Judges Paley and Sperlazza, as well as all attorneys involved, should be held to same letter of the law as they push onto society yet according to Mr. Thivener we understand the law differently even though we are reading the same words in the same court of law, to the same law, so please help me understand where and how our comprehension is different. Judges Paley and Sperlazza both had opportunity to correct the injustices that occurred here in Franklin County instead they have constantly passed the proverbial "Buck" in the hopes that defendants will simply take a plea and/or continually take continuances so attorneys as well as themselves can not readily pursue justice but ensure a larger wallet or retirement package. This practice has become common among attorneys and judge in Franklin County. I humbly request that my complaint and habeas be seen for exactly what they were intended and that is the search for true justice and fairness according to the law. I respectfully thank you for your time in this matter and I truly hope we can resolve this problem. If you have any further questions please feel free to inquire. Thank You.

Sincerely,

Michael J. Green